

Notice of Allowability

Application No.

10/044,423

Examiner

David A. Lambertson

Applicant(s)

CHOU, TZE-BIN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 23 December 2004.
2. ☒ The allowed claim(s) is/are 1,2,4-11,13,22-24,27 and 28.
3. ☒ The drawings filed on 10 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 23, 2004 has been entered.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Karen Zachow on March 1, 2005.

The application has been amended as follows:

In the specification, please make the following amendments:

Please add this paragraph between paragraphs [0015] and [0016]:

“In addition, a method for generating a *Drosophila* clipped FRT (cFRT) chromosome incapable of reacting with a P transposase but capable of reacting with a yeast site-specific flippase recombinase (FLP), comprising steps of: (a) obtaining a first FRT chromosome by causing a local and random transposition by exposing a FRT chromosome to said P transposase, wherein said FRT chromosome contains a P[FRT] insertion with a selection marker gene; (b)

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obtaining a second FRT chromosome by screening for said first FRT chromosome lacking said selection marker gene; (c) selecting a third FRT chromosome from said second FRT chromosome by the steps of: (c1) examining both recombination capability and homozygous viability of said second FRT chromosome and selecting said second FRT chromosome having high recombination capability and high homozygous viability; and (c2) examining recombination accessibility of said second FRT chromosome contained in a clipped P[FRT] insertion by the presence of said FLP wherein said third FRT chromosome is selected based on high recombination accessibility; and (d) exposing said third FRT chromosome to said P transposase and obtaining said Drosophila clipped FRT (cFRT) chromosome by said steps (c1) and (c2)."

Please add this paragraph between paragraphs [0036] and [0037]:

"In addition, a method for generating a Drosophila clipped FRT2L2R (cFRT2L2R) chromosome incapable of reacting with a P transposase but capable of reacting with a yeast site-specific flippase recombinase (FLP), comprising steps of: (a) obtaining a first FRT chromosome causing a local and random transposition by exposing a double FRT chromosome to said P transposase, wherein said double FRT chromosome contains a first P[FRT] insertion with a first selection marker gene on one arm thereof and a second P[FRT] insertion with a second selection marker gene on the other arm thereof; (b) obtaining a second FRT chromosome by screening for said first FRT chromosome lacking said selection marker genes of said first P[FRT] insertion and said second P[FRT] insertion; (c) selecting a third FRT chromosome from said second FRT chromosome by the steps of: (c1) examining both recombination capability and homozygous viability of said second FRT chromosome and selecting said second FRT chromosome having

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high recombination capability and high homozygous viability; and (c2) examining recombination accessibility of said second FRT chromosome contained in said a clipped P[FRT] insertion by the presence of said FLP wherein said third FRT chromosome is selected based on high recombination accessibility; and (d) exposing said third FRT chromosome to said P transposase and obtaining said Drosophila clipped FRT2L2R (cFRT2L2R) chromosome by said steps (c1) and (c2).

Please remove the term “(SEQ ID NO: 35)” from the Brief Description of Figure 5 (page 9 of the substitute specification filed December 23, 2004) and place it in the beginning of the Brief Description of Figure 4.

Please amend the claims as follows:

Claim 5. The method according to claim 1, wherein said homozygous viability of step (c1) analyzes genetic information after said Drosophila clipped FRT chromosome's exposure to said P transposase ~~in a Drosophila incubation system~~.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David A. Lambertson whose telephone number is (571) 272-0771. The examiner can normally be reached on 6:30am to 4pm, Mon.-Fri., first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Remy Yucel, Ph.D. can be reached on (571) 272-0781. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David A. Lambertson, Ph.D.
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JAMES KETTER
PRIMARY EXAMINER